

MEMO			
TO:	Board of Directors	FROM:	Brian Donlon
CC:		DATE:	10/03/2003
SUBJECT : Shannon Free Airport Development Co. Ltd(SFADCO) Technical Committee Report			

Application details

Application Details	
Applicant:	Shannon Free Airport Development Co. Ltd (SFADCO)
Location of Activity:	Tradaree Point E.T.P., Shannon (Clonmoney South), Co. Clare
Reg. No.:	37-1
Licensed Activities under Waste Management Act 1996:	Third Schedule: Classes 1,4,5,6,7,13
Proposed Decision issued on:	12/9/02
Objections received:	2 objections received 1. SFADCO 2. Clare County Council
Submission on Objection	1 received from the applicant
Inspector that drafted PD:	Tadhg O'Mahony

Objections received

A Technical Committee was established to consider the objections.

The Technical Committee included;

Brian Donlon, Chairperson
Mick Henry, Inspector
Kealan Reynolds Inspector

This is the Technical Committee's report on the objection.

Objection 1 – SFADCO

The applicant made an objection on various conditions in the PD. The applicant also included as attachments correspondence from Arthur Cox and M.C. O'Sullivan..

Ground 1. Condition 1.2 Facility

The application was originally lodged on April 15, 1998 for the sludge disposal site only and for activities classes 1, 4 and 5 of the Third Schedule of the Waste Management Act 1996. The EPA then asked for additional information and requested SFADCO to include the on-site WWTP in their application and to include activity classes 6, 7 and 13 of the Third Schedule of the Waste Management Act 1996 in the application. The applicant remains of the opinion that their initial application should stand and that the decision should be confined to regulating activities 1, 4 and 5.

The Applicant seeks to withdraw that part of the application that related to activities for classes 6, 7 and 13 of the Third Schedule as per section 23(1) of the Waste Management (Licensing) Regulations 1997. The applicant contends that they are entitled to do this as the application was made under the 1997 Waste Management (Licensing) Regulations and prohibition on withdrawal only applies to an application made under the Waste Management (Licensing) Regulations 2000 because it was introduced by Article 2 of the Waste Management Licensing Regulations 2001 (SI No. 397 of 2001) amending the 2000 regulations. They also contend that the EPA was wrongly of the view that they were entitled to regulate activities on an adjoining site which were not waste activities - [refer to the legal opinion provided by Arthur Cox, Solicitors].

The applicant states that if the EPA does not accept the above submission and if the fact that the off-site treatment of leachate carried out by Shannon Development is the basis used by the EPA for regulating the WWTP, then SFADCO will have to send the leachate to another appropriate facility for treatment. The cost of meeting the EPA requirements

in the proposed licence is estimated at €13.2m by M C O'Sullivan & Co, Consulting Engineers. SFADCO is not a designated body that can receive funding under the Water Services Investment Programme 2002-2004 and consequently there is no provision or scope within their five year Capital Budget to support expenditure of this magnitude.

If the proposed licence is not changed to exclude the WWTP they will have to send the sludge for recovery or disposal to another appropriate facility. They will also be forced to review and reduce emission limit values in all existing agreements in relation to trade effluent discharges with companies (including companies with existing IPC licences issued by the EPA) operating in our industrial estates in Shannon thereby resulting in the requirement for immediate reviews of all these IPC licences.

Technical Committee Evaluation

The TC notes that the applicant agreed to the reviewed site boundary and to include the wastewater treatment plant. The applicant was aware that the revised boundary was required due to the adjacent and related waste activity.

The TC agrees that the WMA 1996 does not apply to stand-alone facilities for the treatment of sewage and sewage effluent (Section 3(1)(b) of WMA) however this section also states that sludge from a facility for the treatment of sewage is not exempt. The TC disagrees with the objector's contention relating to the Agency's powers with regard to controlling a non-waste activity on an adjacent site. The Committee's view is that the adjacent WWTP is a related waste activity (as defined in Section 3 of the Waste Licensing Regulations 1997).

The TC is aware that a related waste operation is defined in Section 3 of the Waste Licensing Regulations SI 337 of 1997. A related waste operation is defined as, "in relation to an activity the carrying on of which by a person requires a waste licence, any operation involving the holding, recovery or disposal of waste by or on behalf of the said person which is carried on in, on or adjacent to, the facility at which the said activity is carried on." Section 4(2) of these regulations requires a person who makes an application for a waste activity (landfill in this instance) to include a related waste operation. It is clear that the regulations specify that the applicant has no discretion in this matter and must include the related activity in the application. Further, legal advice obtained by the Agency states that the adjoining Effluent Treatment Plant is clearly a related waste operation within the meaning of the regulations insofar as the operation there involves the holding recovery or disposal of waste by or on behalf of SFADCO.

*The TC considers that the treatment of leachate, arising from sludge disposal, at the wastewater treatment plant **is a waste activity**. Leachate is considered to be a waste as characterised by the European Waste Catalogue (19 07 02, 19 0703). The treatment of leachate is by biological and physico-chemical processes in the wastewater treatment plant. These treatment processes are Class 6 and 7 activities in the Third Schedule of the Waste Management Act, 1996. These treatment processes are also listed as examples of processes that require a permit in the IPPC Draft BAT note for the Waste Treatments Industries. Previous applications for landfill facilities, which have on-site leachate treatment plants, have applied for Classes 6 and 7 of the 3rd Schedule of WMA 1996 (including a number of applications prepared by MC O' Sullivans (17-1, 17-2)). The TC notes that nowhere in this objection has the applicant argued that the SFADCO-owned wastewater treatment plant is not a related operation to the landfill. They have argued in their objection that it is not a waste operation. However, SFADCO outlined the relationship between the WWTP and the landfill in the application form, both prior to and subsequent to the notice from the Agency (3/6/99).*

The landfilling activity, which is operated by SFADCO, is one that requires a waste licence. At present, the treatment of leachate that arises at the landfill occurs on behalf of the applicant at the adjacent wastewater treatment plant also owned and operated by SFADCO. Sludge generated at the wastewater treatment plant is disposed at the adjacent landfill.

The Agency have on a number of occasions granted waste licences with conditions covering the related waste operations in addition to the licensable activity. For example, a number of applications for Waste transfer stations received from Local Authorities are for sites located adjacent to former landfills (Reg Nos. 69-1, 72-1, 86-1, 87-1, 139-1). Although the focus of the subsequent licence was on the on-going transfer operations the licensee was required to submit a Conditioning Plan within a specific timeframe for the closed landfill element of the application.

*The TC notes that the applicant now wishes to withdraw their application for activity classes 6,7 and 13 of the 3rd Schedule. They make reference to SI 397 of 2001 which does not relate to the withdrawal of specific classes of activity but does relate to withdrawal of **full applications** or submissions on applications made under SI 185 of 2000. While the TC consider that the full application, which was made under SI 337 of 1997 can be withdrawn, it is however difficult to understand the reason to abandon such a facility in close proximity to environmentally designated areas, particularly as without a licence it must close once a decision issues from the EPA. In the absence of formal notification of abandonment of the application under the waste licensing regulations, the TC considers that any licence for the facility*

should cover both the WWTP and the landfill. The effluent from SFADCO and Shannon Town would then be untreated and Shannon Development would not be in a position to meet their environmental obligations.

In the application form (NON-TECH SUMMARY July 1999) - SFADCO indicated that c.100m³/day of leachate is produced from the solid waste landfill. The treatment of this quantity of leachate is significant. The biological and/or physico-chemical treatment of leachate (waste) at an installation with a capacity exceeding 50 tonnes per day is deemed to be an Annex I Activity (Class 5.3) under the IPPC Directive (96/61/EC). For information, an **installation is defined** in the IPPC Directive as one “where one or more activities listed in Annex I are carried out and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an impact on emissions and pollution”.

The TC also notes that the applicant has considered the option to send leachate to another facility for treatment. The TC considers that this option is open to the applicant and is already catered for under the licence (Condition 5.11.1). However, the capacity of any such proposed facility to treat this leachate would need to be agreed with the Agency. This point was highlighted in Section 1.10 of the legal opinion. At present, a number of licensed landfill operators tanker their leachate to one or a number of agreed waste water treatment plants.

In the event that sludge from the facility is sent off-site for landfill disposal it is likely that the range of testing required in Condition 11.4 of the PD will have to be undertaken prior to its acceptance elsewhere. The TC is aware that restrictions on sludge acceptance have been inserted in many waste licences either by the Agency or requested by the licenced landfill operators themselves.

The TC are aware that consent for effluent emission limit values for a number of IPC-licensed facilities in the region have been received from SFADCO under Section 97 of the EPA Act and Section 52 of the WMA, 1996. However, the TC is aware that on occasion that ELVs have been set on a phased basis. The issuing and revoking of Section 52/Section 97 consents is a matter for SFADCO. The Agency can stipulate that ELVs be made more stringent.

The TC considers that the waste activities recommended to be licensed will comply with the requirement of Section 40(4) of the WMA, 1996. The TC is aware that discharges from the WWTP are subject to a water pollution licence from Clare County Council and a Foreshore Licence from the Dept of Marine and Natural Resources. The TC considers that the existing water pollution licence shall cease to have effect, as a waste licence for the entire facility will be granted, that under Section 40(5) of the WMA. Further, the conditions in the foreshore licence which relate to the prevention of environmental pollution shall cease to have effect as per Section 40(6)(a) of the WMA.

The TC are satisfied that emissions from the WWTP will not give rise to environmental pollution provided they are in compliance with the ELV's stated in this licence.

Recommendation

No Change.

Ground 2. Condition 1.4

SFADCO wishes to reserve the right to dewater the non-hazardous water sludge from the SFADCO-owned and operated Castlake waterworks at Sixmilebridge, Co. Clare (approximately 80m³ per month) at the existing sludge dewatering plant at the WWTP and subsequently dispose of the dewatered sludge to the on-site landfill at Tradaree Point or at another approved facility.

TC Evaluation

The application that was received made no reference to the disposal of other sludges at the facility. The TC note that the quantity that is requested in this objection is c. 960 m³ per annum (no sludge weight in tonnes was provided). The TC considers that this information was not included in the application and it would be best catered for under a review of this licence. However, the TC also notes that sludge deposition sites, where the expected annual deposition is 5,000 tonnes of wet sludge, constitutes a development that requires an EIS.

Recommendation

No Change.

Ground 3. Condition 1.6.1

In the event of an emergency situation Shannon Development wish to reserve the right to dispose of sludge at the facility outside of the hours 09.00 to 17.00 Monday to Friday inclusive if considered necessary.

TC Evaluation

The TC considers that the operation of the facility outside of the normal hours in emergency situations should be catered for in the licence. However, the Agency would need to be informed of such an occurrence as soon as practicable.

Recommendation

Amend Condition 1.6.1 by insertion of the following after the first sentence:

Any operation at the facility outside of normal working hours or on a Sunday shall be notified to the Agency by 10:00 on the morning of the next working day. The notification shall detail the operations carried out, the reason for carrying them out and the hours during which they were carried out.

Ground 4. Condition 3.1

Shannon Development do not propose to install all infrastructure referred to in this licence as the proposed waste licence application should not include the operation of the WWTP as outlined in 1.2 above and therefore they object to this licence condition.

TC Evaluation

The TC considers that this condition is valid for all infrastructure within the facility boundary for the reasons set out under Ground 1 above.

Recommendation

No Change.

Ground 5. Condition 3.2

Shannon Development does not propose to install the above infrastructure as the waste licence should not include the operation of the WWTP. The WWTP is operated under a discharge licence from Clare County Council. Shannon Development has an existing discharge licence from Clare County Council under the Water Pollution Act and complies with the existing conditions.

TC Evaluation

The TC considers that the installation of all infrastructure within the facility boundary that are designated as specified engineering works should be agreed in advance with the Agency. The discharge licence referred to above will cease to have effect following the grant of a waste licence.

Recommendation

No Change.

Ground 6. Condition 3.4.3

The EPA is requesting appropriate CCTV Security Surveillance of the facility outside of office hours. Shannon Development’s security contractor visits the facility on a number of occasions each day and night outside of office hours. This provision is unreasonable and unnecessary as there are no security problems at the waste landfill site justifying this level of security and therefore they do not consider the provision of CCTV cameras necessary and they object to this licence condition.

TC Evaluation

The TC note that the only waste/sludges to be deposited at the facility are generated within the facility boundary. The installation of CCTV security surveillance may not be necessary at this location. However, in accordance with the requirements of the Landfill Directive we consider that measures should be put in place to detect and discourage illegal dumping at the facility.

Recommendation

Delete Existing Condition 3.4.3

Insert New Condition 3.4.3

The licensee shall secure the facility and ensure that there are measures in place to detect and discourage illegal dumping at the facility.

Ground 7. Condition 3.7

SFADCO object to the requirement to provide a temporary storage area and a quarantine area. Their consulting engineers M C O’Sullivan consider that the temporary storage of sludge in covered skips is more suitable. Sampling can be undertaken on the sludge in the skips as required.

TC Evaluation

The TC considers that the temporary storage of sludge in enclosed skips pending sludge disposal is satisfactory. Unsuitable sludges should be separated, stored in separate skips and removed from the facility as soon as possible. These skips should be located in such a way that drainage from them is directed to the leachate collection system or the effluent treatment plant.

Recommendation

Delete Conditions 3.7.1, 3.7.2 and 3.7.3 and Replace with new Condition 3.7 as follows:
Sludges awaiting disposal shall be stored temporarily in enclosed skips at a location to be agreed with the Agency. Any sludge deemed unsuitable for landfilling at the facility shall be immediately separated, stored in enclosed skips and labelled “quarantine waste”. Quarantine waste shall at the earliest possible time be removed from the facility to an appropriate facility. Drainage from the temporary storage of sludges and quarantine waste should be directed to the leachate collection system or the effluent treatment plant.

Ground 8. Condition 3.11

It was proposed to use the existing in situ clay which has a thickness of >6m and to line the cells with a 2mm HDPE liner. The results of the site investigation undertaken indicate that the underlying clays have permeability’s less than 1×10^{-9} m/sec. Therefore Shannon Development objects to this proposed condition.

TC Evaluation

The TC considers that the requirement to install an engineered liner prior to the acceptance of sludge waste in newly constructed cells in accordance with the Agency’s Landfill Design Manual and the Landfill Directive is best practice.

Recommendation

No Change.

Ground 9. Condition 3.12

A buffer zone, 30m wide, between the southern catchment drain and any future sludge disposal or storage area is being requested by the EPA. The buffer zone also relates to the storage of material for restoration purposes. This condition will have an impact on the available void space in the future lined cells along the southern boundary of the site. It impacts on proposed Cell No.1, Cell No.2 and Cell No.3.

A 5m wide buffer zone was allowed for in the original proposal. The provision of a 5m wide buffer zone is considered sufficient and it is proposed that no restoration material shall be stored in this 5m wide buffer zone.

TC Evaluation

The TC note that a 30m buffer zone between the southern catchment drain in which no sludge shall be deposited, is required to be maintained between the southern perimeter drain and all future lined cells. The TC consider that due to the nature of the waste to be deposited that the buffer zone could be reduced to 20m without compromising the protection of the habitats associated with the ecological designations.

Recommendation

Amend Condition 3.12.
A buffer zone of minimum **20m** width, in which no sludge.....

Ground 10. Condition 3.15.1

The EPA is requesting the installation of an effective surface water management infrastructure. SFADCO is not responsible for the maintenance of the Southern perimeter embankment or any associated sluice gates. They have been requested to take actions that they have no legal power to take as the Office of Public Works is responsible for the embankment and any associated sluice gates. They can bring maintenance matters to the attention of the OPW, however they are not in a position to comply with this condition and object to same.

TC Evaluation

The TC has examined the drawings submitted as part of the application. It appears that two sluice gates and the perimeter embankment have been included within the ownership plan of SFADCO. It is likely that the maintenance of the two sluice gates maybe the responsibility of the OPW and other sluice gates outside the boundary are also under their control. The TC considers that effective surface water management should be provided and maintained to ensure the protection of the environment. The TC considers that SFADCO should liase with the OPW on this matter to ensure the protection of surface water quality and prevention of flooding within the facility.

Recommendation

Insert New Condition 3.15.2

The licensee shall consult with the Office of Public Works on the measures proposed to provide for the protection of the surface water in the vicinity of the facility and the prevention of flooding within the facility boundary.

Ground 11. Condition 3.16.1

The Licensee shall maintain the existing Southern perimeter embankment as shown in Drawing No. Art 12.-2 Rev. C. This embankment is the responsibility of the Office of Public Works. They can bring matters to the attention of the OPW only and they object to this licence condition.

TC Evaluation

See Discussion under Ground 10 above.

Recommendation

Add New Condition 3.16.2.

The licensee shall consult with the Office of Public Works on the maintenance of any existing or proposed embankments at the facility.

Ground 12. Condition 3.18.1

The EPA are requesting six additional perimeter gas monitoring points and one additional gas monitoring point per lined cell. They note that their consultants (M C O’Sullivan) consider this excessive based on the size of the site, the nature of the material being landfilled and the gas monitoring results to date.

TC Evaluation

The TC consider that due to the nature of the waste being deposited that there may be scope to reduce the number of monitoring boreholes at the facility as required in the PD. At present there appears to be six existing monitoring locations in operation. The TC consider that a minimum of eight monitoring locations should be provided at locations outside the existing and proposed landfill area and that one monitoring location per each new cell should be installed.

Recommendation

Amend Condition 3.18.1

(i) Within twelve months from the date of grant of this licence, **the licensee shall provide and maintain a minimum of eight perimeter landfill gas monitoring locations at regular intervals around the landfill area.**

(ii) **The licensee shall install a minimum of one landfill gas monitoring location in each new cell.**

Ground 13. Condition 3.18.3

The EPA is requesting the installation of leachate monitoring points within three months of the date of grant of the licence. Due to the soft nature of the ground a timescale of six months from the date of grant of the licence for the installation of the leachate monitoring points is requested.

TC Evaluation

The TC considers that there may be operational difficulties in installing leachate monitoring locations within the specified time period of three months and that the period should be extended to six months as proposed by the objector.

Recommendation

Amend Condition 3.18.3

Within **six months** from the date of grant of this licence

Ground 14. Condition 4.4.1

They note that their consultants (M C O’Sullivan) considers that a gas collection layer (0.3m) or a geosynthetic layer may not be required at the site. The requirement for the provision of a gas collection layer will be reviewed following the completion of the proposal regarding gas management at the facility (Condition 3.14.1).

TC Evaluation

The TC agrees that there may not be a requirement for the installation of the gas collection layer in the capping layer. This will be determined upon completion of the landfill gas potential study as required under Condition 3.14.1. Consequently, we consider that the requirement for the gas collection layer in cap should be amended to take into account the findings of this study.

Recommendation

Amend Condition 4.4.1(e)

Gas collection layer of natural material (minimum 0.3m) or a geosynthetic layer, **if considered necessary in accordance with the requirements of 3.14.1**

Ground 15. Condition 5.2

The EPA requires that sludge disposal areas within the facility shall be restricted to the two existing active cells in the Northern Section of the facility. This condition is effectively reducing our available capacity to dispose of sludge by approximately 1/3 with immediate effect. They object to this condition as ultimately it reduces our capability to dispose of dewatered sludges in particular additional loading from Shannon Town and its industrial estates.

TC Evaluation

The TC considers that Condition 5.1 needs to be read in conjunction with Condition 5.2. For a period of up to one year from the date of grant of licence, SFADCO will be allowed to landfill in the existing active cells. However, thereafter landfilling of sludge shall only be allowed in engineered lined cells.

Recommendation

No Change.

Ground 16. Condition 5.5

The proposed arrangements regarding the working face are more applicable to a landfill accepting domestic refuse and not a landfill only receiving dewatered domestic and industrial sludge deposited within the active cells on a daily basis and subsequently banked on a monthly basis. They have never received nuisance complaints regarding the operation of their facility. They wish to continue the current disposal method for the dewatered sludges.

TC Evaluation

The TC considers that there may be merits in amending this condition to take into account the nature of the waste being deposited at the facility. Due to the nature of the sludge being deposited there should be no requirement for compaction of waste using a steel-wheeled compactor. However, the TC considers that this waste type should be covered on a daily basis.

Recommendation

Amend the second sentence in Condition 5.5.1(b): **All waste deposited at the working face shall be covered as soon as practicable and at any rate prior to the end of the working day.**

Delete Condition 5.5.2

Ground 17. Condition 5.9

SD objects to this condition for the same reason as the objection to Condition 1.6.1

TC Evaluation

The TC considers that this item has been dealt with under Ground 3 above.

Recommendation

No Change

Ground 18 Condition 5.11.1

This condition stipulates that leachate treatment shall be via the WWTP unless otherwise agreed with the Agency. Shannon Development will want to send the leachate to another appropriate facility for treatment if necessary.

TC Evaluation

Condition 5.11.1 of the proposed decision provides for the use of another facility for the treatment of leachate once it has been agreed with the Agency.

Recommendation

No Change.

Ground 19 Condition 10.6

The EPA requires that Shannon Development shall keep records relating to industrial discharges at the WWTP office. Shannon Development objects to this condition and requests that the EPA accepts that all these records can be maintained at the Shannon Development Head Office in Shannon.

TC Evaluation:

The TC considers that Condition 10.6 should be amended to allow the licensee to maintain industrial discharge records at their head office or a location other than at the facility. If required, members of the public or Agency staff can access the records at this location.

Recommendation:

Amend Condition 10.6 to include the following:

The licensee shall maintain an up to date register at the facility (or at another location agreed with the Agency) of all industrial.....

Ground 20 Condition 11.3

The EPA requires the provision of a report examining the feasibility of composting non hazardous sludges to be submitted within six months of the grant of the licence. An extension to nine months is requested.

TC Evaluation:

The TC considers that the timeframe for submission of the feasibility report on composting of sludges can be extended from 6 to 9 months to allow sufficient time for preparation of this report.

Recommendation:

Amend Condition 11.3 as follows:

Within **nine months** of the date of grant.....

Ground 21 Condition 11.4.1

The EPA make reference to a proposed leachate storage lagoon. There are no proposals to install a leachate lagoon at the site and Shannon Development object to the working of this licence condition.

Technical Committees Evaluation:

The reference to the leachate storage lagoon should be removed from Condition 11.4.1 as it is not envisaged that one will be required.

Recommendation:

Amend Condition 11.4.1 as follows:

Within three months of the date of grant of this licence the licensee shall submit to the Agency for its agreement procedures for the handling of leachate at the facility and subsequent discharge to the on-site Effluent Treatment Plant or other Waste Water Treatment Plant agreed in advance with the Agency.

Ground 22 Condition 11.4.2.3

The issued waste licence should not relate to the operation of the WWTP which operates under a discharge licence from Clare County Council and Shannon Development objections to this licence condition.

TC Evaluation:

The issue of the inclusion of the WWTP under the terms of the waste licence has been addressed above. The TC considers that an independent assessment of the effluent/sludge treatment systems is needed in order to determine whether they are capable of providing the necessary treatment.

Recommendation:

No Change.

Ground 23 Condition 11.5

The EPA requests the licensee to submit a report to the Agency on the effluent being discharged from the facility. The issued licence should not relate to the operation of the WWTP which operated under licence from Clare County Council and Shannon Development objects to this licence condition.

TC Evaluation:

The issue of the inclusion of the WWTP under the terms of the waste licence has been addressed above. The report required by Condition 11.5 will allow an assessment (together with remedial measures where necessary) of the effluent being discharged in the context of the requirements of the Ospar Convention, National and European legislation.

Recommendation:

No Change.

Ground 24. Condition 12.2

The EPA requested Shannon Development to fully arrange for the completion of a comprehensive and fully costed Environmental Liabilities Risk Assessment for the overall facility including the WWTP. As previously outlined the WWTP should not be included in the Waste Licence and therefore they object to this condition.

TC Evaluation:

The issue of the inclusion of the WWTP under the terms of the waste licence has been addressed above. The Environmental Liabilities Risk Assessment should address liabilities arising from the carrying on of activities included in this licence.

Recommendation:

No Change.

Ground 25 Condition 12.2.2

The EPA requested a proposal for financial provision to cover all activities to which the licence relates. As outlined in Condition 1.2 above Shannon Development objects to this condition.

TC Evaluation:

It is assumed that the objector is referring to Condition 12.2.2 of the proposed decision as there is no Condition 12.3. The issue of the inclusion of the WWTP under the terms of the waste licence has been addressed above. The financial provisions are necessary to cover any liabilities arising from the activities being carried on.

Recommendation:

No Change.

Ground 26. Schedule A.1 – Waste Acceptance

Shannon Development objects to the imposition of 2500 tonnes per annum for onsite landfilling and seeks a total allowance of 4000 tonnes per annum up to December 2003. If the annual tonnage figure is not increased this substantially reduces our capacity to effectively dispose the increase sludge loadings from Shannon Town and its industrial estates.

TC Evaluation:

The applicant seeks to increase the quantity of waste landfilled at the facility from 2,500 tpa to 4,000 tpa. The waste quantities specified in the proposed decision are the quantities applied for by the applicant and in this regard an increase in the overall tonnage is not recommended. Such an increase can be dealt with by a review of the waste licence. See the discussion on Ground 2 above.

Recommendation:

No Change.

Ground 27 Schedule C.4 – Discharge Limits for Treated Domestic and Industrial Effluent

Schedule C.4 of the Proposed Decision sets emission limits for the treated effluent from the effluent treatment plant adjacent to the landfill site. Shannon Development objects to the imposition of new discharge limits set by the EPA for the discharge already licenced under the Water Pollution Act. Emission limit values listed in Schedule C.4 which are listed in mg/l are less than the current agreed emission limit values in our existing licence from Clare County Council which are listed in kg/d. The attached letter from the council dated 27 August 2002 confirms that the emission limit values in Table 2 of the issued licence will be extended to 31 August 2003. Also a study undertaken by the Environmental Research Unit (1990) confirmed that 10,000kg/day of BOD and 10kg/day in the case of pollutants assumed to be conservative, i.e, metals could be discharged at Traderee Point without adversely affecting the water quality of the Shannon Estuary. The report confirmed very large assimilative capacity in the estuary in the vicinity of Traderee Point. In addition an updated (1992) two dimensional water quality model (SEWAM) confirms the findings of the ERU. The proposed emission limit values are up to ten times less than these loadings.

TC Evaluation:

The TC is aware that models were used to estimate the effects of the impact of the effluent discharge on the estuary in the vicinity of Tradaree Point. The TC examined the Water Quality Standards in the Water Quality Management Plan for the Shannon Estuary;

The TC has compared the ELVs set in the PD and those contained in the existing discharge licence. The ELV for the Total metals (Sn, As, Pb, Cu, Zn) in the PD is in fact marginally higher than that in the discharge licence but the end result is that the water quality in the receiving water would not be significantly affected. The ELV proposed for phenols in the PD has been made stricter. Based on the model impact it is likely that the current EQS for this parameter (0.5ug/l) would be exceeded in a worst case scenario on the basis of the original licence limits. The ELVs for the metals nickel and cobalt have been reduced 5 and 10-fold respectively in line with the other metals. The TC consider that having evaluated the results for these parameters that they would have marginally breached the ELVs set in the PD on less than five occasions in approx. 200 sampling events in 1999 and 2000. Condition 6.4.4 of the PD caters for minor exceedances of ELVs in certain circumstances.

Recommendation:

No Change.

Ground 28 Schedule D.5 – Surface Water, Groundwater and Leachate

Table D.J.1 includes a requirement for daily analysis for total ammonia, nitrate, total suspended solids and colour/odour. Shannon Development therefore objects to this aspect of Table D.5.1 unless the requirement is for analysis on Monday to Friday inclusive only.

Technical Committees Evaluation:

The TC are aware that the existing water discharge licence for the wastewater treatment plant has a requirement for daily monitoring of the parameters listed parameters and that BOD and COD are required to be analysed three times per week. The TC consider that all these parameters should be monitored three times per week

Recommendation:

Amend Monitoring Frequency for Effluent Discharge

Decrease monitoring from daily to Three Times Weekly for the following:

Total Ammonia, Nitrate, Suspended Solids, Colour/Odour

Increase Monitoring from daily to Three Times weekly for the following:

BOD and COD

Objection 2 – Clare County Council

General grounds

The decision to include the WWTP serving both domestic and industrial activities as a waste related activity has a substantial bearing on the overall final licence as the main discharge from the site is from the WWTP. The PD should be adapted to allow for alternative treatment and disposal options for both domestic and industrial sludges in accordance with national policy. These options could be accommodated by inclusion of ‘or such alternative arrangements as shall be agreed by the Agency’ and this will prevent a review of the final licence. The WWTP is currently the subject of take over discussions between Shannon Development and Clare Co. Co. and it had been hoped the PD would allow the operation of the facility under the provisions of the Urban WWT Regulations. However, the PD requires the almost immediate upgrade of the facility. The Agency should have particular regard to Section 52(2)(e) of the EPA Act.

TC Evaluation:

The issue of the inclusion of the WWTP under the terms of the waste licence has been addressed above. The acceptance of sludges from outside the facility boundary was not applied for in the application. The TC considers that in reaching a proposed decision on the application for this facility the Agency has had regard to the need to protect the environment and the associated costs of such protection.

Recommendation:

No Change.

Ground 1 (Waste Activity Classes 4, 6 and 7)

On the basis of the exemptions under the Waste Management Act, Classes 4, 6 and 7 of the Third Schedule should be amended to refer to leachate collection and storage only (Class 4), the trial composting scenario only (Class 6), the trial physico-chemical treatment of non-hazardous sludges only (Class 7) and Schedule B should exclude the waste water treatment infrastructure. The discharge from the WWTP is the subject of a licence issued under the Water Pollution Act. The proposed licensing of the WWTP will incur significant additional expenditure with no extra environmental benefit.

Technical Committees Evaluation:

The inclusion of the WWTP in the waste licence has been addressed above.

Recommendation:

No Change.

Ground 2 (Condition 5.1)

Currently, the Tradaree Point landfill accepts sludges from domestic and industrial wastewater treatment plants and the associated sludge volumes could be accommodated at other facilities in the region as defined in the Sludge Management Plan. Condition 5.1 should be amended to allow alternative arrangements to be made with the Agency for the sludges. If landfilling ceases at the site and only temporary storage occurs, then this is not licensable under the Act.

TC Evaluation:

Condition 5.1 requires the licensee to ensure that sludges are deposited into lined cells within twelve months of the date of grant of the licence. It is possible for the licensee to take the sludges to alternative sites in the region and such sites should be licensed/permitted under the legislation. If it is the case that landfilling ceases at the facility at any date in the future, the requirements of other aspects of the licence will still remain in force (e.g restoration of filled cells etc.)

Recommendation:

No Change.

Ground 3

The objection lists a number of Conditions which should be (i) amended to allow alternative arrangements to be agreed with the Agency thereby preventing a review of the licence (Conditions 3.7.3, 3.8, 3.11, 3.13(2), 4.7, 5.1, 5.2, 5.9.1, 10.2, 11.3) and (ii) deleted on the basis of Ground 1 above (Conditions 3.9, 3.18.4, 3.18.5, 6.4, 10.3(d), 10.6, 11.5 and Schedule C.4, D.5).

TC Evaluation:

In relation to the items listed in (i) above, the technical committee has examined each of the conditions referred to and would like to comment as follows:

- *Condition 3.7.3: The issue of drainage from the temporary sludge storage areas has been addressed in Ground 7 of objection 1 above and as such it is not considered necessary to amend this condition.*
- *Condition 3.8: Condition 2.8 requires the licensee to put in place arrangements for monitoring and recording the quantities of sludges disposed of, treated or removed from the facility. In the event that temporary storage of sludge takes place at the facility, the licensee will still be required to record and maintain this information.*
- *Condition 3.11: The issue of the lining of the waste disposal cells has been addressed in Objection 1 above. In the event that temporary storage of sludge takes place at the facility in future and no landfilling takes place, the licensee will not be required to line cells but other aspects of the waste licence will still remain.*
- *Condition 3.13.2: The infrastructure referred to in Condition 3.13.2 relates to the disposal of sludges at the facility and not the temporary storage of sludges.*
- *Condition 4.7: The sludge disposal areas (existing or new) should be restored and Condition 4.7 should not be amended.*
- *Condition 5.1: The technical committee considers that twelve months for the provision of lined cells at the facility is a suitable timeframe and Condition 5.1 should not be amended.*
- *Condition 5.2: “Unless otherwise agreed with the Agency” is already present in Condition 5.2.*
- *Condition 5.9.1: The issue of hours of operation and waste disposal has been addressed in Ground 3 of the SFADCO objection above.*
- *Condition 10.2: The recording of all wastes leaving the facility is required.*
- *Condition 11.3: The issue of timeframes included in Condition 11.3 has been addressed in Ground 20 of the SFADCO objection above.*

In relation to the items listed in (ii) above, the TC notes that the issue of the inclusion of the WWTP under the terms of the waste licence has been addressed in Ground 1 to Objection 1 above.

Recommendation:

No Change.

Ground 4 (Monitoring)

All monitoring required under the licence should refer to present and historical landfilling at the site and should not include provision for monitoring of the WWTP discharges. Having regard to the nature and extent of emissions the absence of environmental pollution and the age of the facility, the monitoring requirements of Condition 8 and the associated costs are excessive. The monitoring requirements of the PD duplicate the monitoring undertaken in the Shannon Estuary and associated habitats under other Regulations, Directives, Plans and Projects (e.g Water Framework Directive).

Technical Committees Evaluation:

The inclusion of the WWTP in the waste licence has been addressed above. The technical committee considers that monitoring of the WWTP is necessary.

Recommendation:

No Change.

Submission on Objection made by Clare County Council

The applicant made a submission on Clare County Councils (CCC) objection in which they agreed with the content of the CCC objection.

Technical Committees Evaluation:

These items have been addressed above.

Recommendation:

No Change.

Signed : _____
Brian Donlon

Dated: _____